

Notice of Allowability

Application No.

09/699,624

Examiner

Shawn S. An

Applicant(s)

GOLDSTEIN ET AL.

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/1/06.
2. ☒ The allowed claim(s) is/are 1-4,6,7,10-17,20 and 21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6/13/06, 11/29/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

I. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

IN THE CLAIMS:

A) Please amend claims 1 and 20 as follows:

1. (Currently Amended) Stereoscopic device comprising:
at least two apertures, each of said apertures including a light valve, each of said light valves being operative to open at a different predetermined timing;
a multi wavelength light sensor array comprising a plurality of sensors, wherein each of the plurality of sensors is a multi wavelength sensor, and
a controllable multi wavelength illumination unit illuminating a scene, said controllable multi wavelength illumination unit producing at least two separated alternating beams of light, each said beams of light characterized as being in a different range of wavelengths,
a controller connected to said light valves, said multi wavelength light sensor array, and to said controllable multi wavelength illumination unit, said controller coordinating the timing and the operation of said light valves, with said controllable multi wavelength illumination unit, and with said multi wavelength light sensor array, to detect a plurality of images, so that for each of said plurality of images, only a single one of said light valves exhibits an open state and only one of said at least two separated alternating beams of light illuminates the detected scene.

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20. (Currently Amended) Method for detecting a stereoscopic image comprising the steps of:

providing light valves alternating between at least two apertures, directed at an object;

providing a controllable multi wavelength illumination unit producing a sequence of at least two separated illumination beams, at different ranges of wavelengths;

controlling the operation of said at least two apertures and the sequence of said at least two separated illumination beams, such that for each said image, only a single one of said apertures exhibits an open state and only one of said at least two illumination beams illuminates the detected scene;


providing a multi wavelength light sensor array comprising a plurality of sensors, wherein each of the plurality of sensors is a multi wavelength sensor, the sensor array detecting a plurality of frames, controlling the timing of the operation of said light valves, and coordinating the timing of the operation of said light valves with operation of said controllable multi wavelength illumination unit to detect the plurality of frames for a combination including a selected open one of said apertures and at least a selected illuminating one of said beams.

REMARKS:

II. Claims 1 and 20 have been amended as discussed above, as authorized by Applicant's attorney, Gregory A. Sebald (Reg. No. 33,280) on 8/16/06.

III. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Shawn S. An* whose telephone number is 571-272-7324.

8/16/06


SHAWN AN
PRIMARY EXAMINER

Reasons for Allowance

1. Applicant's Appeal Brief as filed on 5/1/06 has been acknowledged.

Furthermore, Applicant's arguments presented in the Appeal Brief have been considered and found to be persuasive.

2. Claims 1-4, 6-7, 10-17, 20, and 21 are allowed after entering the Examiner's Amendment as discussed in the EXAMINER'S AMENDMENT section.

3. Claims 1-4, 6-7, 10-17, 20, and 21 are allowed as having incorporated novel features (*emphasis added on the claimed inventive stereoscopic device as a whole including amended independent claim limitation(s)*).

The prior art of record fails to anticipate or make obvious the novel features.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record is considered pertinent to Applicant's disclosure.

A) Lia (5,222,477), Endoscope or Borescope stereo viewing system.

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Shawn S. An* whose telephone number is 571-272-7324.

6. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SHAWN AN
PRIMARY EXAMINER

8/16/06